UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,680	03/27/2007	Brian Anthony Retkin	09999-Murg	4657

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EXAMINER
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ART UNIT	PAPER NUMBER
2444	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
Office Action Summary	10/595,680	RETKIN ET AL.	
	Examiner	Art Unit	
	ADAM COONEY	2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>02 June 2010</u>.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>15-26</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>15-26</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the amendment filed on 6/2/2010. Claims 15, 20, 24 and 26

were amended. Claims 15-26 are pending.

Response to Arguments

2.   Applicant's arguments, see page 5, with respect to the objection to the specification has

been fully considered and are persuasive. Therefore, the objection is withdrawn.

3.   Applicant's arguments, see page 5, with respect to the rejection of claims 15-23 under 35

U.S.C. 112 first paragraph have been fully considered and are persuasive. The examiner notes

that the specification includes sufficient information to demonstrate to a person of ordinary skill

in the art that a "*computer readable medium*" is used. Therefore, the rejection is withdrawn.

4.   Applicant's arguments, see pages 5 and 6, with respect to the rejection of claims 15-23

under 35 U.S.C. 101 have been fully considered but are not persuasive. The examiner notes that

although the specification includes sufficient information to demonstrate to a person of ordinary

skill in the art that a "*computer readable medium*" was used, it does not define what type of

"*computer readable medium*" is used. The applicant asserts that the claimed "*computer readable

medium*" can not be interpreted as software according to the plain meaning of the term in the art,

meaning that the "*computer readable medium*" is a physical medium. However, the examiner

disagrees with this assertion. Computer readable medium can be implemented as either

hardware or software, as well as a signal. There is no evidence in the specification that shows

that the claimed "*computer readable medium*" is implemented **only** (emphasis added) as

hardware. The applicant states in the remarks that the "*computer readable medium*" stores

executable code for a browser plugin. The examiner notes that either software or a signal can store executable code. Therefore, the rejection is maintained.

5.   Applicant's arguments, see page 6, with respect to the rejection of claims 15-23 under 35 U.S.C. 112 second paragraph have been fully considered and are persuasive. The examiner notes that the applicant amended independent claim 15. Therefore, the rejection is withdrawn.

6.   Applicant's arguments, see page 6, with respect to the objection to claim 20 has been fully considered and is persuasive. The examiner notes that the applicant amended claim 20 to depend upon claim 15. Therefore, the objection is withdrawn.

7.   Applicant's arguments, see page 7, with respect to the rejection of claim 15 under 35 U.S.C. 102(b) has been fully considered but are not persuasive. The applicant asserts that Holzer does not teach a browser plugin "*detect[s] when the browser starts to display a DNS look-up failure*" and "*upon said detection...attempting a DNS look-up on an alternative DNS server*". The applicant goes on to say that Holzer does not teach a "*plugin for a browser*"; in particular the applicant states that the "*plugin*" of claim 15 is resident alongside the browser on the client machine, while Holzer teaches an error scanner that is located between a web server and the client's computer. However, the examiner disagrees with this assertion. As stated in the office action, dated 02/02/2010, Holzer teaches that the process (which includes the error scanner) can be integrated onto the client's computer where the client also uses a web browser (see paragraphs 0013, 0016 and 0018). Further, Holzer teaches that the error scanner (plugin) program blocks error messages and establishes contact with a substitute server (see paragraph 0015 lines 8-9, paragraph 0020 lines 6-9, paragraph 0021 lines 1-10; in order to block error messages, the error messages would have to be detected and before the error messages are displayed contact is made

with a substitute server). Therefore, Holzer does in fact teach the limitations *"detecting when the browser starts to display a DNS look-up failure, and upon said detection and prior to the display of the DNS look-up failure, attempting a DNS look-up on an alternative DNS server"*, as such the rejection is maintained.

8.   Applicant's arguments, see page 7, with respect to the rejection of claims 24 and 26 under 35 U.S.C. 102(b) have been fully considered but are not persuasive. The applicant relies on the same assertion, as stated above, regarding Holzer. Therefore, the examiner relies on the same rationale discussed above regarding Holzer. As such, the rejection is maintained.

9.   Applicant's arguments, see pages 7 and 8, with respect to the rejection of claims 18, 19, 20-23 and 25 under 35 U.S.C. 103(a) have been fully considered but are moot in view of claims 18, 19, 20-23 and 25 dependency upon the rejected independent claims 15 and 24. Therefore, the rejection is maintained.

Claim Rejections - 35 USC § 101

        35 U.S.C. 101 reads as follows:

        Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
        any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
        requirements of this title.

        Claims 15-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

10.   **Regarding independent claim 15**, a *"computer-readable medium"* is recited. However, there is no support for this subject matter in the specification. Therefore, a person of ordinary skill in the art could implement or interpret the *"medium"* as merely software or a signal, which is not patentable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or
on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-17, 24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by

Holzer et al. (U.S. 2002/0059396 A1).

11.   **Regarding independent claim 15,** Holzer teaches a computer-readable medium

comprising machine-executable instructions to implement a plugin for a browser (see paragraph

0013 lines 1-5, paragraph 0016, paragraph 0018 lines 1-5;error scanner, as known a plugin is a

computer program that interacts with a host application to provide a certain function also, the

error scanner program is integrated onto the computer of the client that is using a web browser.

Further, it is inherent that there would be a medium and executable instructions to implement the

error scanner on the computer), wherein said instructions instruct the browser to perform the

following method steps during operation: detecting when the browser <u>starts</u> to display a DNS

look-up failure; and upon <u>said</u> detection <u>and prior to the display of the DNS look-up failure,</u>

attempt<u>ing</u> a DNS look-up on an alternative DNS server (see paragraph 0015 lines 8-9,

paragraph 0020 lines 6-9, paragraph 0021 lines 1-10; in order to block error messages, the error

messages would have to be detected and before the error messages are displayed contact is made

with a substitute server, therefore the user has no idea that an error occurred).

12.   **Regarding claim 16,** Holzer teaches all the limitations of independent claim 15, as discussed above. Further, Holzer teaches wherein said instructions instruct the browser to perform a further DNS name look-up on an alternative DNS server before the DNS look-up failure is displayed (see paragraph 0015 lines 8-9 and paragraph 0021 lines 1-10).

13.   **Regarding claim 17,** Holzer teaches all the limitations of independent claim 15, as discussed above. Further, Holzer teaches the browser to execute a configuration script that attempts a DNS look-up in an alternative server (see paragraph 0021; a configuration script would have to be implemented in order to establish a contact with the substitute server).

14.   **Regarding independent claim 24,** Holzer teaches a general purpose computer comprising a web browser that has a plugin that instructs the browser (see paragraph 0013 lines 1-5, paragraph 0016, paragraph 0018 lines 1-5; error scanner, as known a plugin is a computer program that interacts with a host application to provide a certain function also, the error scanner program is integrated onto the computer of the client that is using a web browser) to perform the following method steps during operation: detecting when the browser <u>starts</u> to display a DNS look-up failure; and upon <u>said</u> detection, attempt<u>ing</u> a DNS look-up on an alternative DNS server (see paragraph 0015 lines 8-9, paragraph 0020 lines 6-9, paragraph 0021 lines 1-10; in order to block error messages, the error messages would have to be detected and before the error messages are displayed contact is made with a substitute server, therefore the user has no idea that an error occurred).

15.   **Regarding independent claim 26,** Holzer teaches a method of resolving a network name, the method comprising: using a plug-in for browser software installed on a general purpose computer (see paragraph 0013 lines 1-5, paragraph 0016, paragraph 0018 lines 1-5; error

scanner, as known a plugin is a computer program that interacts with a host application to

provide a certain function also, the error scanner program is integrated onto the computer of the

client that is using a web browser) to detect when the browser <u>starts</u> to display a DNS look-up

failure and, upon <u>said</u> detection, to execute a configuration script that attempts a DNS lookup on

an alternative DNS server (see paragraph 0015 lines 8-9, paragraph 0020 lines 6-9, paragraph

0021 lines 1-10; in order to block error messages, the error messages would have to be detected

and before the error messages are displayed contact is made with a substitute server, therefore

the user has no idea that an error occurred, also a configuration script would have to be

implemented/executed in order to establish a contact with the substitute server).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Holzer in view of Schneider (U.S. 2008/0016233 A1).

16.   **Regarding claim 18**, Holzer discloses the invention substantially as claimed. Further,

Holzer does not teach wherein said plugin, is suitable for installation in a web browser by being

downloaded from a remote web site.

17.   However, Schneider does teach such a limitation. According to Schneider, in a method

for processing DNS friendly identifiers, a program may be integrated as part of a plug-in/add-on

for a web browser. Such a program may be downloaded and installed for integration (see

Schneider paragraph 0182 lines 1-5; downloading suggest that it is done from a remote site other

then the computer itself, otherwise there would be no need to download it because the computer

would already have the program).

18.   Therefore, it would be obvious to a person of ordinary skill in the art at the time of the

applicant's invention to combine Holzer's method of using a program implemented in a web

browser to retrieve data via DNS lookup, with Schneider's method of downloading a program as

a plug-in for a web browser, because Holzer teaches that the program can be integrated onto the

computer of the client (see Holzer paragraph 0018), and the downloading of a program for a web

browser as taught by Schneider, would constitute at least one way to integrate a program onto a

computer.

19.   **Regarding claim 19**, Holzer discloses the invention substantially as claimed. Further,

Schneider teaches an installer that installs the plugin with a minimum of user intervention (see

Schneider paragraph 0182 lines 1-5; downloads and installs the program, "minimum" is a

relative term, therefore it is obvious that at the very least some user intervention is required to

install the program, i.e. after user executes the download, the program is installed automatically

or user allows install a selection).

20.   The motivation that was used in combining Holzer and Schneider in claim 18, applies

equally as well to claim 19.

        Claims 20-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Holzer in view of Jungck (U.S. 7, 003, 555 B1).

21.   **Regarding claim 20**, Holzer discloses the invention substantially as claimed. Further,
Holzer does not teach wherein said plugin is operative to contact a remote server (proxy server)
to obtain data relating to the alternative name server.

22.   However, Jungck does teach such a limitation. According to Jungck, an apparatus and
method for domain name resolution has a forward proxy server that sits between a workstation
user and the internet (see Jungck column 25 lines 19 and 20).

23.   Therefore, it would have been obvious to a person of ordinary skill in the art at the time
of the applicant's invention to have combined the teachings of using a proxy server in domain
name resolution , as taught by Jungck, with the teachings of Holzer's method of using a program
implemented in a web browser to retrieve data via DNS lookup, in order to have security for a
user when resolving a host name, or establishing a contact with a substitute server, as taught in
Holzer (see Holzer paragraph 0021 lines 3-8). Further, using a proxy server gives anonymity to
the user's IP address. Also, having a designated server would provide the plugin with a point of
contact that can be trusted, for additional security.

24.   **Regarding claim 21**, Holzer discloses the invention substantially as claimed. Further,
Holzer teaches wherein said plugin obtains such data each time the operating system is started or
each time the plugin is initiated (see paragraph 0021; whenever the DNS server produces an
error the plugin/error scanner is initiated, in order for the error message to be blocked, therefore
the data for the substitute server is obtained).

25.   **Regarding claim 22**, Holzer discloses the invention substantially as claimed. Further,
Holzer does not teach wherein said plugin instructs the browser to operate by configuring its
proxy server settings.

26.   However, Jungck does teach such limitations. According to Jungck, an apparatus and

method for domain name resolution has a forward proxy server that sits between a workstation

user and the internet (see Jungck column 25 lines 19 and 20; in order to communicate with the

proxy server it is obvious the proxy server settings would have to be configured).

27.   Therefore, it would have been obvious to a person of ordinary skill in the art at the time

of the applicant's invention to have combined the teachings of using a proxy server in domain

name resolution , as taught by Jungck, with the teachings of Holzer's method of using a program

implemented in a web browser to retrieve data via DNS lookup, in order to have security for a

user when resolving a host name, or establishing a contact with a substitute server, as taught in

Holzer (see Holzer paragraph 0021 lines 3-8). Further, using a proxy server gives anonymity to

the user's IP address. Also, having a designated server would provide the plugin with a point of

contact that can be trusted, for additional security.

28.   **Regarding claim 23**, Holzer discloses the invention substantially as claimed. Further,

Holzer does not teach wherein said plugin instructs the browser to communicate with the

alternative DNS server through a proxy server.

29.   However, Jungck does teach such a limitation. According to Jungck, an apparatus and

method for domain name resolution has a forward proxy server that sits between a workstation

user and the internet (see Jungck column 25 lines 19 and 20).

30.   Therefore, it would have been obvious to a person of ordinary skill in the art at the time

of the applicant's invention to have combined the teachings of using a proxy server in domain

name resolution , as taught by Jungck, with the teachings of Holzer's method of using a program

implemented in a web browser to retrieve data via DNS lookup, in order to have security for a

user when resolving a host name, or establishing a contact with a substitute server, as taught in

Holzer (see Holzer paragraph 0021 lines 3-8). Further, using a proxy server gives anonymity to

the user's IP address. Also, having a designated server would provide the plugin with a point of

contact that can be trusted, for additional security.

31.   **Regarding claim 25**, Holzer discloses the invention substantially as claimed. Further,

Holzer does not teach configured by the plugin to refer DNS look-ups to an alternative server

through configuration of its proxy settings.

32.   However, Jungck does teach such limitations. According to Jungck, an apparatus and

method for domain name resolution has a forward proxy server that sits between a workstation

user and the internet (see Jungck column 25 lines 19 and 20; in order to communicate with the

proxy server it is obvious the proxy server settings would have to be configured).

33.   Therefore, it would have been obvious to a person of ordinary skill in the art at the time

of the applicant's invention to have combined the teachings of using a proxy server in domain

name resolution , as taught by Jungck, with the teachings of Holzer's method of using a program

implemented in a web browser to retrieve data via DNS lookup, in order to have security for a

user when resolving a host name, or establishing a contact with a substitute server, as taught in

Holzer (see Holzer paragraph 0021 lines 3-8). Further, using a proxy server gives anonymity to

the user's IP address. Also, having a designated server would provide the plugin with a point of

contact that can be trusted, for additional security.

Conclusion

34.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

35.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

36.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ADAM COONEY whose telephone number is (571)270-5653.

The examiner can normally be reached on Monday-Thursday and every other Friday from

730AM-5PM..

37.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William C. Vaughn can be reached on 571-272-3922. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

38.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C./   /William C. Vaughn, Jr./
Examiner, Art Unit 2444   Supervisory Patent Examiner, Art Unit
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